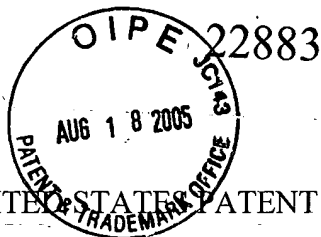


103.1056.01



09/728,701

DAC
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark MUHLESTEIN

Serial No.: 09/728,701

Filed: Dec. 1, 2000

For: Decentralized Appliance
Virus Scanning

Art Unit: 2131

Examiner: Kaveh ABRISHAMKAR

Tel: (571) 272-3786

Office Action Mailed:

Jan. 7, 2005

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING (37 CFR § 1.8)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on

8/16/2005

Date

By:

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Dear Examiner:

Consideration and approval of this petition is earnestly solicited. In accordance with 37 CFR § 1.136(a)(3), authorization is hereby granted to charge the required petition fee under 37 CFR § 1.17(m) to Deposit Account No. 50-0365. Authorization is also hereby granted to charge any additional claim fees and any other fees necessary for filing of this paper to Deposit Account No. 50-0365.

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Introduction:

Pursuant to 37 C.F.R. 1.137(b), a Petition to Revive an Unintentionally Abandoned Application must include the following:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

(1) Reply to Outstanding Office Action:

A response to the outstanding Office Action has previously been filed on July 7, 2005. This response was not entered. Applicant therefore is including herewith a Request for Continued Examination to have the response entered. The earlier-filed response and RCE together form the required reply to the outstanding Office Action.

(2) Petition Fee:

This petition authorizes the Director to charge the required petition fee under 37 CFR § 1.17(m) to Deposit Account No. 50-0365.

(3) Statement that Delay was Unintentional:

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

In more detail, Applicant filed a response to the outstanding office action on the six month statutory deadline for the response. Because the response substantively amended the claims, Applicant surmised that the Examiner would not enter the response and would issue an Advisory Action. It was therefore Applicant's intent to file a Request for Continued Examination (RCE) with the response. However, Applicant inadvertently failed to file the RCE, thereby necessitating this Petition.

In support of Applicant's statement that the delay was unintentional, Applicant notes that Applicant has secured absolutely no benefit by failing to have filed the RCE with the response.

Terminal Disclaimer:

Because this application was filed after June 8, 1995, no terminal disclaimer is required for this petition. See 37 CFR § 1.137(d)(1).

Conclusion:

Grant of this Petition is earnestly solicited at the Office's earliest convenience. Applicant's undersigned attorney can be reached at (614) 205-3241. All correspondence should continue to be directed to the address indicated below.

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Respectfully submitted,

A handwritten signature in black ink that reads "Dane C. Butzer". The signature is fluid and cursive, with the first name "Dane" being the most prominent.

Dane C. Butzer
Reg. No. 43,521

Dated: August 15, 2005

Swernofsky Law Group PC
P.O. Box 390013
Mountain View, CA 94039-0013
(650) 947-0700